

**CITY COUNCIL  
ATLANTA, GEORGIA**

**05- 0 -0971**

**AN ORDINANCE**

**BY: COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

**AN ORDINANCE AUTHORIZING THE MAYOR TO TAKE APPROPRIATE ACTIONS TO CLEAN THE PREMISES AND CLOSE VARIOUS STRUCTURES, PURSUANT TO ARTICLE III OF THE ATLANTA HOUSING CODE AND HEARING CONDUCTED BY THE IN REM REVIEW BOARD ON MARCH 31, 2005.**

<u>Council District</u>	<u>Property Address</u>
04	825 Beryl Street, SW
12	386 Macedonia Road, SE

**WHEREAS**, on March 16, 1987, the Council of the City of Atlanta adopted an Ordinance entitled, "The Atlanta Housing Code of 1987"; and the same was approved by the Mayor of the City of Atlanta on March 24, 1987; and

**WHEREAS**, on March 31, 2005, pursuant to the Atlanta Housing Code of 1987, Article III; entitled "In Rem Procedures", hearings were held after due notice to owner(s) of and/or parties in interest before the In Rem Review Board regarding certain structures believed to be unfit for occupancy or habitation and to be in violation of Article III; and

**WHEREAS**, on March 31, 2005, The In Rem Review Board determined that the structures on the real property more fully identified hereinafter, were unfit for occupancy or habitation and could be improved, repaired, or altered at a cost less than fifty (50%) or less of the value of the structures, exclusive of the foundation and lots after the improvements have been made; and

**WHEREAS**, the In Rem Review Board did state in writing these findings of fact in support of such determination and the In Rem Review Board issued and caused to be served upon the owner(s) of and/or parties in interest an order requiring the owner(s) and/or parties in interest to repair the structures or clean the premises, vacate and close such structure(s) pursuant to Section 29 of the Atlanta Housing Code.

**WHEREAS**, a period of thirty (30) days from the date of said order was allowed for the owner (s) and/or parties in interest to comply with the Order.

**WHEREAS**, the owner(s) and/or parties in interest of the properties, failed to comply with the Order of the In Rem Review Board within the specified time;



**NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:**

**Section 1:** That the Mayor or her designee is authorized to clean and close the following real property upon which structure(s) are located:

Proper Street Address

City Council District

825 Beryl Street, SW  
386 Macedonia Road, SE

04  
02

**Section 2:** That the Mayor or her designee is hereby authorized to perform the following specific duties at the above mentioned properties:

- (1) Vacate the structure, (if occupied).
- (2) Clean the premises and board the structure(s) in conformity with the In Rem Board's Order.
- (3) Maintain the property in conformity with the In Rem Board's Order until the structure(s) are repaired and demolished.
- (4) File a lien against the real property on which the structure(s) are attached in an amount necessary to recover the costs incurred by the City of Atlanta.

**Section 3:** That the Mayor or her designee is further authorized to engage the professional services of any of the City of Atlanta's pre-qualified contractors to conduct the appropriate duties listed in **SECTION 2** of this ordinance.

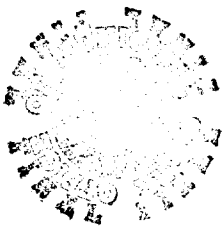
**Section 4:** That all ordinances or parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

A true copy,

*Rhonda Daughtrie Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

June 20, 2005  
June 23, 2005



TO WHOM IT MAY CONCERN: LIS PENDENS  
Notice is hereby given that a complaint was filed by the City of Atlanta against:

Winston M. Phinazee, Jr.  
The CIT Group/Consumer Finance, Inc.  
Tax Lien Authority, LLC  
Fulton County Tax commissioner

on \_\_\_\_\_ in the Bureau of Code Compliance of the City of Atlanta, Georgia,  
seeking relief against the following described real estate, to-wit:

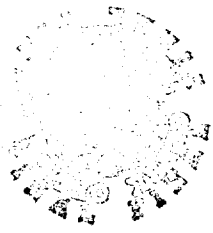
ALL THAT TRACT or parcel of land lying and being in Land Lot 86 of the 14<sup>th</sup>  
District of Fulton County, Georgia and being more particularly described as  
follows:

BEGINNING at the west side of Beryl Street one hundred thirty and seven tenths (130.7) feet north from the northwest corner of Beryl Street and Rockwell Street; said beginning point being at the north side of a ten foot alley; and running thence north along the west side of Beryl Street forty three and eight tenths (43.8) feet; thence west one hundred twelve (112) feet, more or less, to a ten foot alley; thence south along the east side of said alley thirty eight and eight tenths (38.8) feet to the intersection of the first mentioned alley; thence east along the north side of said first mentioned alley one hundred and ten (110) feet more or less to the point of beginning; said property being known as No. 825 Beryl Street, according to the present numbering of property in the City of Atlanta.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

Dated:

BY: Harry DeShazer  
Bureau of Code Compliance, Official Agent  
(404) 330-6190  
BY: Bill Cantrell  
Assistant Real Estate City Attorney

  
**TO WHOM IT MAY CONCERN: LIS PENDENS**  
Notice is hereby given that a complaint was filed by the City of Atlanta against:

Visionary Property Investments, LLC.  
Howard S. Rothman  
Vesta Holdings, I, LLC  
*HOLDINGS,*

on **3-11-05** in the Bureau of Code Compliance of the City of Atlanta, Georgia,  
seeking relief against the following described real estate, to-wit:


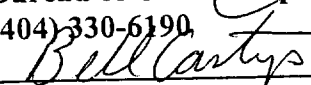
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 34 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA, BEING LOT 19, BLOCK C, BELLEAU WOODS SUBDIVISION, UNIT ONE, AS PER PLAT RECORDED IN PLAT BOOK 65, PAGE 68, FULTON COUNTY AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHEASTERLY SIDE OF MACEDONIA ROAD 460 FEET WEST OF THE INTERSECTION FORMED BY THE WESTERLY SIDE OF BELGARDE PLACE AND THE NORTHERLY SIDE OF MACEDONIA ROAD; RUNNING THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY SIDE OF MACEDONIA ROAD 93.8 FEET; THENCE NORTHEASTERLY 139.7 FEET; THENCE EAST 43 FEET; THENCE SOUTHWESTERLY 154.30 FEET TO THE NORTHEASTERLY SIDE OF MACEDONIA ROAD AND THE POINT OF BEGINNING.

being improved property known as 386 Macedonia Road, SE according to the.....  
present numbering system in the City of Atlanta, Ga.....

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

Dated: March 11, 2005

BY:   
Bureau of Code Compliance, Official Agent  
(404) 330-6190  
BY:   
Assistant Real Estate City Attorney

RCS# 6767  
6/20/05  
4:53 PM

Atlanta City Council

Regular Session

05-O-0971      CLEAN PREMISES & CLOSE VARIOUS STRUCTURE  
                  IN REM REVIEW BOARD HEARING 3/31/2005  
                  ADOPT

YEAS:    12  
NAYS:    0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT   1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	NV Martin	Y Norwood
Y Young	B Shook	Y Maddox	Y Willis
NV Winslow	Y Muller	Y Sheperd	NV Borders

05-O-0971

05-0 -0971

(Do Not Write Above This Line)

AN ORDINANCE BY COMMUNITY  
DEVELOPMENT/ HUMAN RESOURCE  
COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR  
TO DIRECT THE DEPARTMENT OF PLANNING  
AND COMMUNITY DEVELOPMENT (BUREAU OF  
CODE COMPLIANCE) TO CLEAN AND  
CLOSE THE PREMISES OF VARIOUS STRUCTURES,  
PURSUANT TO ARTICLE III OF THE ATLANTA  
HOUSING CODE AND A HEARING CONDUCTED  
BY THE IN REM REVIEW BOARD ON  
March 31, 2005.

Property Address Council District

825 Beryl Street, SW  
386 Macedonia Road, SE

04

12

ADOPTED BY

JUN 20 2005

COUNCIL

- ☒ CONSENT REFER  
☐ REGULAR REPORT REFER  
☐ ADVERTISE & REFER  
☐ 1st ADOPT 2nd READ & REFER

Date Referred 6-6-2005

Referred To: CD/HR

First Reading

Committee

Date

Chair

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Others

Members

Refer To

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Others

Members

Refer To

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Others

Members

Refer To

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Others

Members

Refer To

## COUNCIL ACTION

☒ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

JUN 20 2005

CERTIFIED  
JUN 20 2005  
[Signature]

MAYOR'S ACTION

[Signature]